

DRAFT ONLY

TREATY

between the Slovak Republic and the Holy See on the Right to Exercise Objection in Conscience

The Slovak Republic and the Holy See,

Recognising the freedom of conscience in the protection and promotion of values intrinsic to the meaning of human life,

Emphasising this recognition in relation to the freedom of thought and freedom of religion,

Recognising human life, human dignity, meaning of human life, family and marriage as the highest universal values, which are at the source of common good and, as such, must be protected from loss or injury and from impediments to their development and generational handing down,

Declaring the will to protect the right to human life, human dignity, human physical integrity, human biological and psychological identity, family and marriage, invoking the commitments given in the Basic Treaty between the Slovak Republic and the Holy See, signed in the Vatican on 24 November 2000 (hereinafter the "Basic Treaty"),

and

the Slovak Republic, applying the Constitution of the Slovak Republic, and the Holy See, applying the teaching of faith and morals of the Catholic Church,

have agreed as follows:

Article 1

The Slovak Republic and the Holy See (hereafter “Contracting Parties”) conclude this Treaty with the aim to set out the scope and terms of exercising the right to objection in conscience in conformity with Article 7 of the Basic Treaty.

Article 2

The Contracting Parties recognise the freedom of conscience regarding human life, human dignity, the meaning of human life, family and marriage, and the right of everyone to freely exercise objection in conscience in relation to these universal human values.

Article 3

- (1) For the purposes of this Treaty, “principles of the teaching of faith and morals” mean the principles proclaimed in the Magisterium of the Catholic Church.

- (2) For the purposes of this Treaty, “objection in conscience” means an objection raised in conformity with the principle of the freedom of conscience according to which anyone may refuse to act in a manner that he deems incompatible in his conscience with the teaching of faith and morals.
- (3) The term “to act” includes participating in an act or any other activity of unspecified duration connected with such act, including assistance.

Article 4

- (1) The right to exercise objection in conscience shall apply to:
 - a) the service in the armed forces or armed corps, including military service,
 - b) performances in the healthcare area, in particular acts related to artificial terminations of pregnancy, artificial or assisted fertilisation, experiments with and handling of human organs, human embryos and human sex cells, euthanasia, cloning, sterilisation or contraception,
 - c) activities in the field of upbringing and education, in particular those relating to Articles 12 and 13 of the Basic Treaty,
 - d) provision of legal services,
 - e) labour-law and other labour relations falling under the scope of this Treaty.
- (2) The Slovak Republic undertakes not to impose an obligation on the hospitals and healthcare facilities founded by the Catholic Church or an organisation thereof to perform artificial terminations of pregnancy, artificial or assisted fertilisations, experiments with or handling of human organs, human embryos or human sex cells, euthanasia, cloning, sterilisations, acts connected with contraception, and not to make the establishment or operation of a hospital or a healthcare facility founded by the Catholic Church or an organisation thereof conditional on the performance of the aforementioned activities.

Article 5

The right to exercise objection in conscience shall be applied according to the legal order of the Slovak Republic and within its limits. In setting out the scope and manner of exercising the right to objection in conscience, the Slovak Republic shall take care to preserve the essence and the meaning of this right.

Article 6

- (1) The action as a result of the exercise of objection in conscience shall not entail legal liability of the person who has exercised that right.
- (2) The right to exercise objections in conscience shall not warrant actions leading to the misuse of the objection in conscience. The misuse of the right to objection in conscience shall not entail protection from legal liability. The exercise of objection in conscience must not endanger human life or human health.

Article 7

- (1) The Contracting Parties shall resolve contentious issues arising in connection with the interpretation or execution of this Treaty through mutual consultations. The Contracting Parties shall supply information to one another, in particular as regards individual activities falling under the scope of objection in conscience, and information concerning the drafts of generally binding legal acts that have a bearing on objections in conscience.
- (2) The Contracting Parties shall set up a joint commission with an advisory status for the purposes of executing this Treaty. The joint commission shall have a parity composition and include three representatives of each Contracting Party; it will be convened at least twice a year or at any time when so requested by a Contracting Party. The tasks of the joint commission shall include, in particular:
 - a) considering areas and particular activities which are objects of objections in conscience,
 - b) submitting comments concerning the drafts of generally binding legal acts and initiatives leading to legislative amendments concerning the right to exercise objections in conscience and preventing its misuse,
 - c) evaluating the implementation of this Treaty,
 - d) submitting proposals with a view to amending or supplementing this Treaty.

Article 8

Any amendments and additions of this Treaty including the facts that are not covered by this Treaty shall be made by mutual written consent between the Parties

Article 9

This Treaty is concluded for an unlimited period and shall be terminated by agreement of the Contracting Parties or upon the termination of the Basic Treaty.

Article 10

This treaty shall be subject to ratification and shall enter into force the thirtieth day after the date of exchange of the instruments of ratification.

Done in... ..on..... in two original copies, each in the Slovak and the Italian languages, both texts being equally authentic.

For the Slovak Republic:

For the Holy See: